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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,120	01/09/2001	Tetsuro Motoyama	198775US-2	5602

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ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

K.

	Application No.	Applicant(s)
Office Action Summary	09/756,120	MOTOYAMA ET AL.
	Examiner	Art Unit
	Azizul Choudhury	2145

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 August 2004</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30 and 32-35</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30 and 32-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 January 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

This office action is in response to the correspondence received on August 12, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year
prior to the date of application for patent in the United States.

Claims 1-30 and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated

by Prithviraj et al (US Pat No: US005987513A), hereafter referred to as Prithviraj.

1.   With regards to claim 1, Prithviraj teaches A computer-implemented remote

device monitoring system, comprising: a local monitoring device configured (1) to

collect information from a device connected to a first network using a network

management protocol, and (2) to send the information to a monitor connected to a

second network via a wide area network using a protocol; and the monitor configured to

receive the information using the protocol and store the information in a digital

repository connected to the second network, wherein the local monitoring device is

configured to automatically request the information from the device, without receiving an

instruction from the monitor (Prithviraj teaches a design for remotely monitoring

networks (column 2, lines 46-60, Prithviraj). It uses computers and browsers to perform

these tasks over a WAN such as the Internet (claim 27, Prithviraj). It also uses SNMP

(simple network management protocol) (column 3, line 60, Prithviraj). In most network

monitoring/managing systems, such as Prithviraj's, each network device contains an

agent (Figure 3A). These agents handle tasks on the client device side. The NMS

(network management stations) send and receive data from these agents to

communicate, monitor and manage with the client devices with the agents (column 7,

lines 28-38, Prithviraj). Plus, the data is stored in a central station (column 3, lines 49-

57, Prithviraj). Finally, Prithviraj's design allows for the information/display to be

refreshed/updated periodically (equivalent to the claimed automatic request) (column

21, lines 33-38, Prithviraj)).

2.   With regards to claim 2, Prithviraj teaches a system wherein the information

comprises at least one of status information corresponding to the device and

configuration information corresponding to the device (Prithviraj's design allows for

status information (column 3, lines 51-53, Prithviraj) and configuration management

(column 4, line 3, Prithviraj)).

3.   With regards to claim 3, Prithviraj teaches a system wherein the device

comprises a printer (Prithviraj's design allows the management of network printers as

well (column 10, lines 1-12, Prithviraj)).

4.   With regards to claim 4, Prithviraj teaches a system wherein the status

information comprises at least one of a low paper indicator, a no paper indicator, a low

toner indicator, a no toner indicator, door open indicator, a jammed indicator, an offline

indicator, and a service requested indicator (Prithviraj's design allows for the

administrator to obtain printer information such as out of paper information (column 10,

lines 1-12, Prithviraj). It is inherent that the other claimed monitoring traits for the printer

are also possible).

5.   With regards to claim 5, Prithviraj teaches a system wherein the configuration

information comprises at least one of a manufacturer of the device, a model of the

device a serial number of the device, a media access control address, an Internet

protocol address, a company name, a street address, a city, a state, a postal code, a

physical location of the device, a contact person for the device, a phone number for the

contact person., and an e-mail address for the contact person (Each device within the

network being managed/monitored has a MIB OID (management information base

object identifier) associated with it (column 3, lines 4-17, Prithviraj). These identifiers

allow the administrator to obtain the claimed identifications).

6.   With regards to claim 6, Prithviraj teaches a system wherein at least a portion of

the wide area network comprises the Internet (Prithviraj's design uses wide area

networks such as the Internet to perform its tasks over (claim 27, Prithviraj)).

7.   With regards to claim 7, Prithviraj teaches a system wherein the protocol

comprises at least one of a simple mail transfer protocol and an Internet mail access

protocol (Prithviraj's design allows for emails (column 7, line 55, Prithviraj). Email

systems employ SMTP).

8.   With regards to claim 8, Prithviraj teaches a system wherein at least a portion of

at least one of the first network and the second network comprises an intranet (A

network can be made up of multiple smaller networks, as shown in Prithviraj's design

(Figure 1, Prithviraj). An intranet is still a network and no limitation is set by Prithviraj as

to what types of networks can be handled by the design. Hence intranets are valid

networks under Prithviraj's design disclosure).

9.   With regards to claim 9, Prithviraj teaches a system wherein the digital repository

comprises a database (Prithviraj's design allows for central storage, the data is stored in

a central station (column 3, lines 49-57, Prithviraj)).

10.   With regards to claim 10, Prithviraj teaches a system wherein the local

monitoring device is further configured to store the collected information in a first digital

repository connected to the first network, and to retrieve the information from the first

digital repository (Prithviraj's design allows for central storage, the data is stored in a

central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also allows for other

storage means such as databases (column 24, lines 1-6, Prithviraj). In addition, it is

inherent that information and instructions would be readable by computers within a

network management/monitoring system).

11.   With regards to claim 11, Prithviraj teaches a system wherein the digital

repository comprises a database (Prithviraj's design allows for central storage, the data

is stored in a central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also

allows for other storage means such as databases (column 24, lines 1-6, Prithviraj)).

12.   With regards to claim 12, Prithviraj teaches a system wherein the local

monitoring device comprises a computer readable medium encoded with processor

readable instructions comprises at least one of a dynamic link library, a static link

library, a script, a JAVA class, a C++ class, and a C library routine (Prithviraj's design

allows for a number of languages such as JAVA (column 6, line 9, Prithviraj) and C

(column 20, line 6, Prithviraj). It is inherent that a number of languages are applicable

and that libraries and .dll files are used).

13.   With regards to claim 13, Prithviraj teaches a system wherein the network

management protocol comprises a simple network management protocol (Prithviraj's

design uses SNMP (simple network management protocol) (column 3, line 60,

Prithviraj)).

14.   With regards to claim 14, Prithviraj teaches a system wherein the remote monitor

is further configured to store the information in the digital repository through an open

database connectivity interface (Prithviraj's design allows for central storage, the data is

stored in a central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also

allows for other storage means such as databases (column 24, lines 1-6, Prithviraj).

Such storage means have open interfaces).

15.   With regards to claim 15, Prithviraj teaches a system wherein the local

monitoring device is further configured to store the information in the first digital

repository through an open database connectivity interface (Prithviraj's design allows for

central storage, the data is stored in a central station (column 3, lines 49-57, Prithviraj).

Prithviraj's design also allows for other storage means such as databases (column 24,

lines 1-6, Prithviraj). Such storage means have open interfaces).

16.   With regards to claim 16, Prithviraj teaches a method for remotely monitoring

network devices, comprising: collecting, by a local monitoring device information from a

device connected to a first network using a network management protocol; sending, by

the local monitoring device, the information collected in the collecting step to a monitor

connected to a second network via a wide area network using a protocol; receiving, by

the monitor, the information sent in the sending step; and storing the information

received in the receiving step in a digital repository connected to the second network,

wherein the collecting step comprises automatically requesting the information from the

device, without receiving an instruction from the monitor (Prithviraj teaches a design for

remotely monitoring networks (column 2, lines 46-60, Prithviraj). It uses computers and

browsers to perform these tasks over a WAN such as the Internet (claim 27, Prithviraj).

It also uses SNMP (simple network management protocol) (column 3, line 60,

Prithviraj). In most network monitoring/managing systems, such as Prithviraj's, each

network device contains an agent (Figure 3A). These agents handle tasks on the client

device side. The NMS (network management stations) send and receive data from

these agents to communicate, monitor and manage with the client devices with the

agents (column 7, lines 28-38, Prithviraj). In addition, a network can be made up of

multiple smaller networks, as shown in Prithviraj's design (Figure 1, Prithviraj). Plus, the

data is stored in a central station (column 3, lines 49-57, Prithviraj). Finally, Prithviraj's

design allows for the information/display to be refreshed/updated periodically

(equivalent to the claimed automatic request) (column 21, lines 33-38, Prithviraj)).

17.   With regards to claim 17, Prithviraj teaches a method wherein the information

comprises at least one of status information corresponding to the device and

configuration information corresponding to the device (Prithviraj's design allows for

status information (column 3, lines 51-53, Prithviraj) and configuration management

(column 4, line 3, Prithviraj)).

18.   With regards to claim 18, Prithviraj teaches a method wherein the device

comprises a printer (Prithviraj's design allows the management of network printers as

well (column 10, lines 1-12, Prithviraj)).

19.   With regards to claim 19, Prithviraj teaches a method wherein at least a portion

of the wide area network comprises the Internet (Prithviraj's design uses wide area

networks such as the Internet to perform its tasks over (claim 27, Prithviraj)).

20.   With regards to claim 20, Prithviraj teaches a method wherein the network

management protocol comprises a simple network management protocol wherein the

network management protocol comprises a simple network management protocol

(Prithviraj's design uses SNMP (simple network management protocol) (column 3, line

60, Prithviraj)).

21.   With regards to claim 21, Prithviraj teaches a method wherein the protocol

comprises at least one of a simple mail transfer protocol and an Internet access protocol

(Prithviraj's design allows for emails (column 7, line 55, Prithviraj). Email systems

employ SMTP).

22.   With regards to claim 22, Prithviraj teaches a method wherein the digital

repository comprises a database (Prithviraj's design allows for central storage, the data

is stored in a central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also

allows for other storage means such as databases (column 24, lines 1-6, Prithviraj)).

23.   With regards to claim 23, Prithviraj teaches a method further comprising: storing

the collected information collected in the in the collecting step in a first digital repository;

and retrieving the information stored in the step of storing the collected information step

from the first digital repository (Prithviraj's design allows for central storage, the data is

stored in a central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also

allows for other storage means such as databases (column 24, lines 1-6, Prithviraj)).

24.   With regards to claim 24, Prithviraj teaches a method wherein the first digital

repository comprises a database (Prithviraj's design allows for central storage, the data

is stored in a central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also

allows for other storage means such as databases (column 24, lines 1-6, Prithviraj)).

25.   With regards to claim 25, Prithviraj teaches a computer program product,

comprising: a computer storage medium; and a computer program code mechanism

embedded in the computer storage medium for causing a computer to remotely monitor

a device connected to a first network with a monitor connected to a second network, the

computer program code mechanism comprising: a first computer code device

configured to collect information from the device over the first network using a network

management protocol, and a second computer code device configured to send the

collected information to the monitor via a wide area network using a protocol, wherein

the first computer code device is configured to automatically request the information

from the device, without receiving an instruction from the monitor (Prithviraj teaches a

design for remotely monitoring networks (column 2, lines 46-60, Prithviraj). It uses

computers and browsers to perform these tasks over a WAN such as the Internet (claim

27, Prithviraj). It also uses SNMP (simple network management protocol) (column 3,

line 60, Prithviraj). In most network monitoring/managing systems, such as Prithviraj's,

each network device contains an agent (Figure 3A). These agents handle tasks on the

client device side. The NMS (network management stations) send and receive data

from these agents to communicate, monitor and manage with the client devices with the

agents (column 7, lines 28-38, Prithviraj). Plus, the data is stored in a central station

(column 3, lines 49-57, Prithviraj). Finally, Prithviraj's design allows for the

information/display to be refreshed/updated periodically (equivalent to the claimed

automatic request) (column 21, lines 33-38, Prithviraj)).

26.   With regards to claim 26, Prithviraj teaches a computer program product wherein

the information comprises at least one of status information corresponding to the device

and configuration information corresponding to the device (Prithviraj's design allows for

status information (column 3, lines 51-53, Prithviraj) and configuration management

(column 4, line 3, Prithviraj)).

27.   With regards to claim 27, Prithviraj teaches a computer program product wherein

the device comprises a printer (Prithviraj's design allows the management of network

printers as well (column 10, lines 1-12, Prithviraj)).

28.   With regards to claim 28, Prithviraj teaches a computer program product wherein

at least a portion of the wide area network comprises the Internet (Prithviraj's design

uses wide area networks such as the Internet to perform its tasks over (claim 27,

Prithviraj)).

29.   With regards to claim 29, Prithviraj teaches a computer program product wherein

the network management protocol comprises a simple network management protocol

(Prithviraj's design uses SNMP (simple network management protocol) (column 3, line

60, Prithviraj)).

30.   With regards to claim 30, Prithviraj teaches a computer program product wherein

the protocol comprises at least one of a simple mail transfer protocol and an Internet

access protocol (Prithviraj's design uses both the Internet (claim 27, Prithviraj) and

email (column 7, line 55, Prithviraj). Protocols must be followed for any network design

such as the Internet and email, and hence the claimed traits are inherent).

31.   With regards to claim 32, Prithviraj teaches a computer program product wherein

the computer program code mechanism further comprises: a third computer code

device configured to store the information collected by the first computer code device in a first digital repository, and a fourth computer code device configured to retrieve the information from the first digital repository (Prithviraj's design allows for central storage, the data is stored in a central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also allows for other storage means such as databases (column 24, lines 1-6, Prithviraj)).

32.   With regards to claim 33, Prithviraj teaches a computer program product wherein the first digital repository comprises a database (Prithviraj's design allows for central storage, the data is stored in a central station (column 3, lines 49-57, Prithviraj). Prithviraj's design also allows for other storage means such as databases (column 24, lines 1-6, Prithviraj)).

33.   With regards to claim 34, Prithviraj teaches a system for remotely monitoring network devices, comprising: means for collecting information from a device connected to a first network using a network management protocol; means for sending the information collected by the means for collecting to a monitor connected to a second network via a wide area network using a protocol; means for receiving, by the monitor, the information sent by the means for sending; and means for storing the information received by the means for receiving in a digital repository connected to the second network, wherein the means for collecting comprises means for automatically requesting the information from the device, without receiving an instruction from the

monitor (Prithviraj teaches a design for remotely monitoring networks (column 2, lines 46-60, Prithviraj). It uses computers and browsers to perform these tasks over a WAN such as the Internet (claim 27, Prithviraj). It also uses SNMP (simple network management protocol) (column 3, line 60, Prithviraj). In most network monitoring/managing systems, such as Prithviraj's, each network device contains an agent (Figure 3A). These agents handle tasks on the client device side. The NMS (network management stations) send and receive data from these agents to communicate, monitor and manage with the client devices with the agents (column 7, lines 28-38, Prithviraj). Plus, the data is stored in a central station (column 3, lines 49-57, Prithviraj). Finally, Prithviraj's design allows for the information/display to be refreshed/updated periodically (equivalent to the claimed automatic request) (column 21, lines 33-38, Prithviraj)).

34.   With regards to claim 35, Prithviraj teaches a system wherein: the network management protocol is a simple network management protocol; and the protocol is at least one of a simple mail transfer protocol and an Internet mail access protocol (Prithviraj's design uses SNMP (simple network management protocol) (column 3, line 60, Prithviraj). In addition, Prithviraj's design allows for emails (column 7, line 55, Prithviraj). Email systems employ SMTP).

Response to Remarks

The amended claims along with the remarks of August 12, 2004 are not deemed fully persuasive. The most significant amendment is the inclusion of the automatic request trait within the independent claims. The applicant's representative remarks that the claimed invention allows for automatically requesting the information from the device without receiving instructions from the monitor. The Prithviraj prior art states in column 21, lines 33-38 that the information displayed can be refreshed periodically depending on user preference. This means that the network information is automatically received if so desired, in Prithviraj's design, just as in the applicant's claimed design.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
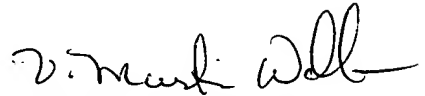
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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